

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SHM REGATTA POINTE, LLC,

Plaintiff,

v.

Case No. 8:23-cv-0505-KKM-TGW

S/V SEA DREAMS, a 1995 model 42-foot
Island Packet sailboat bearing Hull
Identification Number TDLUS018A595,
and U.S. Coast Official Number 1031082,
its engines, tackle, rigging, sails, furniture,
and appurtenances, *in rem*,

Defendant.

ORDER

Plaintiff SHM Regatta Pointe, LLC, moves for default judgment against the *in rem* Defendant, *S/V Sea Dreams*, a 1995 Model 42-foot Island Packet Sailboat, Hull Identification number TDLUS018A595 and U.S. Coast Official Number 1031082 (the Vessel). Mot. for Default J. (Doc. 25). No response was filed in opposition. The Magistrate Judge recommends that I grant the motion. R&R (Doc. 27).

The fourteen-day deadline for the Parties to object to the recommendation has passed, and neither Party has objected. Nevertheless, I review the Magistrate Judge's legal conclusions de novo. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir.

1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019). After review, I conclude that default judgment against the Vessel is appropriate for the reasons and to the extent the Magistrate Judge stated. *See* R&R.

Accordingly, the following is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation, (Doc. 27), is **ADOPTED** and made a part of this Order for all purposes.
2. SHM Regatta Pointe, LLC's Motion for Default Judgment, (Doc. 25), is **GRANTED**.
3. The Clerk is directed to enter a **FINAL DEFAULT JUDGMENT** in favor of SHM Regatta Pointe, LLC, and against S/V Sea Dreams in the amount of \$7,713.33; *custodia legis* expenses in the amount of \$23,280.00 for services provided to the Vessel from March 23, 2023, through June 30, 2023; \$233.86 per day for services provided to the Vessel from July 1, 2023, to the date the Vessel is released from arrest; and *custodia legis* expenses for services provided by the U.S. Marshals Services in the amount of \$2,500.00, plus pre-judgment interests under 28 U.S.C. § 1961.
4. The U.S. Marshall is directed to conduct the sale of the Vessel, her engines, tackle, apparel, furniture, equipment, appurtenances, and all other necessities thereunto appertaining and belonging to the Vessel, in

accordance with Rule E(9) of the Supplemental Admiralty Rules and the Local Admiralty and Maritime Practice Manual 5(r).

5. SHM Regatta Pointe, LLC, is permitted to credit bid its judgment at the public sale of the Vessel.
6. The Clerk is directed to **CLOSE** this case.

ORDERED in Tampa, Florida, on October 2, 2023.


Kathryn Kimball Mizelle
United States District Judge